IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: JOANN RUVOLO et al.

Serial No.:   09/902,729   Group Art Unit: 2145

Filed: 7/12/2001   Examiner: Melvin POLLACK

Title: *Communication Triggered Just in Time Information*

REPLY BRIEF

Attn: Board of Patent Appeals and Interferences
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Appeal Brief filed July 27, 2007, and the Examiner's Answer dated October 2, 2007, Applicants submit the following reply.

REMARKS

This Reply Brief is in response to the Examiner's Answer dated October 2, 2007. Reconsideration of this application is respectfully requested in view of the foregoing remarks. In addition, all of the arguments in the appeal brief of July 27, 2007 and prior responses should also be considered in support of the claimed elements provided in the present invention.

STATUS OF CLAIMS

Claims 1-27 are pending.

Claims 1-4, 7-14, 18-23, and 27 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. 6,708,202 (Shuman).

Claims 5, 15, and 25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. 6,708,202 (Shuman) as applied to claims 1, 10, and 23 above, and further in view of U.S. 2002/0116505 (Higgins).

Claims 6 and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. 6,708,202 (Shuman) and U.S. 2002/0116505 (Higgins) as applied to claims 1, 5, 10, and 15 above, and further in view of U.S. 6,828,989 (Cortright).

Claim 17 stands rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. 6,708,202 (Shuman) as applied to claim 14 above, and further in view of U.S. 6,990,513 (Belfiore).

Claim 24 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Shuman as applied to claim 23 above, and further in view of Bowman-Amuah (6,704,303).

Claim 26 stands rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. 6,708,202 (Shuman) as applied to claim 23 above, and further in view of U.S. 6,347,307 (Sandhu).

RESPONSE TO EXAMINER'S ANSWER

Shuman teaches a form for displaying an electronic message item which includes an information object that highlights important information about the message. The information displayed in the information object is automatically derived by examining the message properties that constitute the message item. The examination of the message properties includes applying a series of if-then statements to predetermined message properties. If the results of one or more of the if-then tests are true, the program composes one or more information items that reflect the state of the message item. The program will also examine data external to the message item. The information items are composed in a natural language format and are prioritized prior to being displayed in the information object.

The Examiner in the Examiner's Response has pointed to various figures and lines within Shuman to equate to various claim elements. It will be shown that many of these citations, upon closer inspection, do not correlate as suggested. A rejection under 35 U.S.C. § 102(e) requires that each and every element of the claims be shown in a single reference. Many elements in the claims will be shown to be missing from the Shuman and other applied references.

The examiner has pointed to figure 3 as illustrating the claimed element "receiving an incoming communication from a source intended for one or more recipients". However, figure 3 appears limited to an illustration of client applications **300**, client interfaces **315**, service providers **325**, and messaging systems **320**. Additionally, the examiner has pointed to figure 9, element **910** as showing the receiving feature. Element **910** is a step of <u>receiving user input</u> to select a message item to view. In other words, the user is simply selecting a message from a list. This does not equate to the element "receiving an incoming communication from a source intended for one or more recipients". Further, the Examiner states that the mere mention of "e-

mail" should mean "by simple deduction" this communication is coming from "somewhere". However, in a 35 U.S.C. §102 rejection, the Examiner has to clearly equate claim elements/features to specific elements/features in the cited reference and not rely on "deduction". Although, in the Examiner's Answer, the Examiner deduces such a feature, he contradicts this statement by stating that this is "expressly disclosed" and can also be "easily deduced".

Claim 1 also teaches an "…incoming communications comprising a plurality of communication types…" (emphasis added). The Shuman reference is limited to an email application with no teaching of how one would modify the email system to work with a plurality of systems such as telephone, fax, IM, etc. While email is one communication medium noted in the claim, it is but one of a plurality of mediums. The use of multiple mediums is not contemplated by Shuman and therefore cannot anticipate the present invention, nor would it have been obvious to have modified Shuman.

The examiner has pointed to figure 9 elements **915** and **920** and corresponding specification discussions as providing the identity of said source. A closer review of these elements shows that element **915** identifies form to use to display (not a source ID function) and element **920** examines message properties. While the message may contain a user's email address ("from" element), it neither identifies the source nor does it automatically identify the source.

The examiner has pointed to columns 11 and 16 of Shuman to suggest the "retrieving from a database data regarding said detected source and extracting data comprising any of, the following information…." However, a closer reading shows that Shuman is extracting the user's calendar info, not the sources. Specifically, Shuman column 16, lines 44-47, "For example, if the message item is a meeting request, the computer must read external data associated with the user's calendar program…. (emphasis added).

Claim 1, and equivalent sections in other claims, cites "notifying said one or more recipients of said incoming communication". <u>The examiner's citations happen chronologically after the user has already selected a message item from a list (see figure 9, element **910** Shuman and remaining flowchart) and therefore the user is "not" notified of an incoming communication after data extraction.</u> In the presently claimed invention, <u>steps a-d have already been performed on an email, telephone call, fax, IM, before the recipient is even notified</u>. This feature enables <u>the source information to be available instantly upon acceptance of the communication as opposed to initiating the process message by message as they are selected</u>.

The above-presented arguments also substantially apply to claim 10.

With respect to the rejections of claims 14, the above arguments substantially apply. Also, it should be noted that the database stores information of the <u>source</u>. Shuman explicitly cite storing data "only in the message" and additionally "an appointment calendar maintained by the <u>user</u>". Additionally, the user (Shuman element **910**), not a retrieval manager, initiates retrieval of data. This provision enables a user to have all of the info they need automatically provided to them "before" they are notified of the incoming communication.

With respect to the rejections of claims 23, 27, the above arguments apply as well as further reiterating that Shuman is limited to extraction of data within the message and about the user, but is silent as to extraction of external data about a business separate from the message itself. As such, no identification of the business is described and no specific business transaction is described.

As shown above, Shuman fails to provide many of the claimed elements and therefore independent claims 1, 10, 14, 23, and 27 cannot be properly rejected under 35 U.S.C. § 102.

Hence, at least for the reasons set forth above, the art of record cannot teach or suggest the features of the pending claims.

SUMMARY

None of the references, cited or applied, provide for the specific claimed details of applicants' presently claimed invention, nor renders them obvious. It is believed that this case is in condition for allowance and reconsideration thereof and early issuance is respectfully requested.

As this Reply Brief has been timely filed within the set period of response, no petition for extension of time or associated fee is required. However, the Commissioner is hereby authorized to charge any deficiencies in the fees provided to Deposit Account No. 50-4098.

Respectfully submitted,

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